REMARKS

The disclosure is objected to for a formality. Applicants' are submitting a replacement paragraph to fix this informality.

Claim 12 is objected to because of an informality. Applicants' have amended claim 12 to fix this typo.

Claims 1-8, 14-24 and 26-29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bajzath et al. (US Patent Number 6,144,644). Applicants respectfully disagree.

Claims 1-8, 14-24 and 26-29 are rejected under 35 U.S.C. 102(b). The Bajzath et al. reference was issued and published on November 7, 2000, less than three months prior to the filing of the present application. As such, the rejection under this section of 35 U.S.C. appears to be improper. Clarification of this rejection is requested. Applicants will address the Office Action as sent.

Applicants' invention relates to a method, system, and server for providing internet call waiting service. As embodied in claim 1 of Applicants' invention, the method for providing call waiting service for a computer connected to an Internet Service Provider (ISP) without dropping the connection with the ISP comprises initiating an internet call waiting connection between the computer and the ISP. The directory number and dynamic IP address of the computer is sent to an Internet Call Waiting/Holding (ICW/H) server. The ICW/H server stores the directory number and the dynamic IP address of the computer. The ICW/H server sends a message to the switch indicating that the call waiting service is active.

The Bajzath reference relates to a system and method for implementing call waiting functions over a network. A user utilizes a telephone 125, personal computer 130, and modem 135 to establish an Internet connection. See column 3, lines 32-35. When the user wishes to send and receive data, the user uses the modem 135 to connect to Internet 120. See column 3, lines 34-38. The user sends their Internet Protocol (IP) address to call waiting Internet server 215, but does not send the directory number of the user to call waiting Internet server 215. See column 5, lines 8-12.

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The Bajzath reference shows, in FIG. 6a, a flowchart for routing and displaying incoming call information at the site of a user. In FIG 6a, steps 600 and 610 are done when the user establishes an Internet connection. Steps 620-680 refer to steps done when a third-party attempts to call the user while the user is still connected to the Internet.

Applicants' invention as embodied in claim 1 includes sending the directory number of the computer to the ICW/H server. The Bajzath reference does not teach or suggest this. The Office Action states that the Bajzath reference anticipates this element at column 6, lines 27-32. However, the Bajzath reference actually refers to the caller's name and telephone number being sent to the call waiting server. See column 6, lines 27-32. Further, not only is this number that of the caller, not the initial user, but the caller's number is not sent until the caller initiates a call to the user.

Applicants' claim 1 also calls for storing the directory number of the user. Since the Bajzath reference does not teach or suggest sending the directory number of the user to a server, it cannot teach or suggest storing such number.

Further, Applicants' claim 1 calls for sending a message from the ICW/H server to the switch indicating that the call waiting service is active. The Office Action points to step 640 of FIG. 6a to show this element. Step 640 relates to sending the calling party's name and number to a call waiting server. This step occurs after step 620, in which a new caller dials the user's telephone number. Consequently, this does not teach or suggest Applicants' step of sending a message indicating that call waiting is active. Conversely, the name and number of a caller is sent, and is in no way related to an indication that the call waiting service is active.

Claims 2-8 depend, either directly or indirectly, from claim 1, and are not anticipated for the reasons set forth with regard to claim 1.

Claim 14 is rejected for the same reasons given with regard to claim 1. Applicants believe that claim 14 is not anticipated by the Bajzath reference for the reasons given with regard to claim 1.

Claims 15-24 depend, either directly or indirectly, from claim 14, and are not anticipated for the reasons set forth with regard to claim 14.

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Claim 26 relates to an Internet Call Waiting/Holding (ICW/H) server that includes a packet port, memory, a processor, and a circuit port. The packet port receives a directory number of a computer. The Bajzath reference does not receive the directory number of a computer, but rather a directory number of a third calling phone that is attempting to call the computer. Further, since the Bajzath reference does not receive the directory number of the computer, the Bajzath reference does not teach or suggest storing the directory number of the computer. Still further, the Bajzath reference does not teach or suggest a circuit port for sending a message to a switch indicating that the call waiting service is active.

Therefore, since the Bajzath reference does not teach or suggest an ICW/H server that receives a directory number of a computer, stores the directory number of the computer, or sends a message to a switch indicating that call waiting is active, the Bajzath reference does not anticipate Applicants' invention as set forth in claim 26.

Claims 27-29 depend, either directly or indirectly, from claim 26, and are not anticipated for the reasons set forth with regard to claim 26.

Claims 9-12 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al. Applicants respectfully disagree.

Claim 9 depends from claim 1, and is not obvious for the reasons set forth above with regard to claim 1. Further, claim 9 calls for the step of rejecting the incoming call request comprises playing a prerecorded message. The Office Action states that this is obviated by the Bajzath reference, which states that the SCP (145) sends a message to the user SSP requesting that the call be blocked from connecting to the end user. Applicants disagree that this obviates sending a prerecorded message. The message of the Bajzath reference may not even be an audible reference, but may be a signaling message. In this case, the Bajzath reference would clearly not obviate Applicants' claim 9. Since it is unclear the type of message sent in the Bajzath reference, the Bajzath reference cannot fairly be used to obviate Applicants' invention as embodied in claim 9.

Claims 10-12 depend, ultimately, from claim 1 and are not obviated for the reasons set forth above with regard to claim 1.

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Claim 25 depends, ultimately, from claim 14, and is not obviated for the reasons set forth above with regard to claim 14.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bajzath et al. in view of Epler et al. (US Patent Number 6,026,156). Applicants respectfully disagree.

Claim 13 depends from claim 1, and is not obvious for the reasons set forth with regard to claim 1 above. Further, claim 13 calls for the step of initiating an internet call waiting connection between the computer and an ISP comprises dialing an access code to enable the internet call waiting service.

The Bajzath reference was discussed in detail above, and does not teach or suggest sending a directory number of a computer to a server, storing the directory number of the computer at the server, or sending a message from the server to the switch indicating that call waiting service is active.

The Epler reference relates to an enhanced call waiting system. In the Epler reference, Bob and Pat are engaged in a call. See column 6, lines 34-35. Fred tries to call Bob, but Fred gets a busy message. See column 6, lines 35-37. An Enhanced Call Waiting System 40 offers Fred the opportunity to try to connect to Bob by hitting a key, such as 1. See column 6, lines 38-48. If Fred touches 1, the Enhanced Call Waiting System 40 dials Bob's telephone number. See column 6, lines 48-52.

This is different than Applicants' invention as embodied in claim 13. Claim 13 calls for the computer to dial an access code to enable the internet call waiting service. The Epler reference relates to an Enhanced Call Waiting System that acts as a fourth party to dial a user, which is vastly different than Applicants' claim 13, which includes the computer dialing an access code to enable the internet call waiting service. In the Epler reference, it is the Enhanced Call Waiting System that dials a call waiting code, not the original call-waiting user.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the specification, reconsider and withdraw the objection to claim 12, reconsider and withdraw the rejection of claims 1-8, 14-24 and 26-29 under 35 U.S.C. 102(b), reconsider

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and withdraw the rejection of claims 9-12 and 25 under 35 U.S.C. 103(a), and reconsider and withdraw the rejection of claim 13 under 35 U.S.C. 103(a). Applicants believe that the application is in condition for allowance. Favorable reconsideration of this application in light of the above is respectfully requested. If a telephone interview with Applicant's Attorney would further the prosecution of the present application, the Examiner is invited to contact the · undersigned at the indicated telephone number.
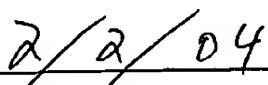
Respectfully,

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